

# PATENT APPLICATION DECLARATION AND POWER OF ATTORNEY

## I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below.

I believe I am the original, first, and sole inventor (if only one name is listed) or an original, first, and joint inventor (if plural names are listed) of the subject matter which is claimed and for which a patent is sought on the invention entitled A PACKET SWITCHING METHOD WITH TIME BASED ROUTING, the specification of which:

X is attached hereto;

— was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information to the Patent and Trademark Office known to me to be material to the patentability of this application, as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following as my attorneys or agents with full power of substitution to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

whose mailing address for this application is:

David H. Sitrick, Registration No. 29,349  
SITRICK & SITRICK  
8340 N. Lincoln Avenue, Suite 201  
Skokie, Illinois 60077  
Telephone: (847) 677-4411

Full name of SOLE or FIRST inventor \_\_\_\_\_

Yoram Ofek

Citizenship USA Residence \_\_\_\_\_

2600 Netherland, Suite 1921

Riverdale, NY 10463

Post Office Address (If different) \_\_\_\_\_

Inventor's signature: Yoram Ofek

Date: 7/14/98

Full name of SECOND joint inventor, if any \_\_\_\_\_

Nachum Shacham

Citizenship USA Residence \_\_\_\_\_

1146 Stanley Way

Palo Alto, CA 94303

Post Office Address (If different) \_\_\_\_\_

Second Inventor's signature: Nachum Shacham

Date: 7/16/98

Full name of THIRD joint inventor, if any \_\_\_\_\_

Citizenship \_\_\_\_\_ Residence \_\_\_\_\_

Post Office Address (If different) \_\_\_\_\_

Third Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

This is a true copy of the Patent Application Declaration and Power of Attorney for Prior Application Number: 09/120,529, and is expressly intended for the Divisional Application submitted herewith; referenced by Attorney Docket Number: SYN 1790.

Applicant or Patentee: Ofer et al.  
Serial or Patent No.:

Atty Docket No. SYN 1700

Filed or Issued:

For: A PACKET SWITCHING METHOD WITH TIME BASED ROUTING

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
(37 C.F.R. 1.9(f) AND 1.27(b) - INDEPENDENT INVENTOR)

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. 1.9(c) for purposes of paying reduced fees to the United States Patent and Trademark Office with regard to the invention entitled: A PACKET SWITCHING METHOD WITH TIME BASED ROUTING

described in:

the specification filed herewith.  
 application serial no. , filed .  
 patent no. , issued .

I have not assigned, granted, conveyed, or licensed, and am under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 C.F.R. 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

Each person, concern, or organization to which I have assigned, granted, conveyed, or licensed, or am under an obligation under contract or under law to assign, grant, convey, or license any rights in the invention, is listed below:

no such person, concern, or organization.  
 person, concerns, or organizations listed below.\*

\*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

FULL NAME   
ADDRESS

INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Yoram Ofek  
NAME OF INVENTOR

Yoram Ofek  
Signature of Inventor

7/14/98  
Date

Nachum Shacham  
NAME OF INVENTOR

Nachum Shacham  
Signature of Inventor

7/16/98  
Date

This is a true copy of the Verified Statement (Declaration) Claiming Small Entity Status for Prior Application Number: 09/120,529, and is expressly intended for the Divisional Application submitted herewith; referenced by Attorney Docket Number: SYN 1790.

Applicant or Patentee: Ofek et al.  
Serial or Patent No.: 09/120,529  
Filed or Issued: July 22, 1998  
For: A Packet Switching Method with Time Based Routing

Atty Docket No. SYN 1700

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
(37 C.F.R. 1.9(f) AND 1.27(c) - SMALL BUSINESS CONCERN)

I hereby declare that I am

the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Synchrodyne Networks, Inc.

ADDRESS OF CONCERN: 2600 Netherland Ave., Ste. 1921, Riverdale, NY 10463

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.12, and reproduced in 37C.F.R.1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled:

**A Packet Switching Method with Time Based Routing**

by inventor(s): Yoram Ofek and Nachum Shacham  
described in:

the specification filed herewith.  
 application serial no. 09/120,529, filed July 22, 1998.  
 patent no. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. 1.9(c) if that person had made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37C.F.R 1.27)

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
ORGANIZATION \_\_\_\_\_

INDIVIDUAL       SMALL BUSINESS CONCERN       NONPROFIT

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Yoram Ofek

TITLE OF PERSON OTHER THAN OWNER: President

ADDRESS OF PERSON SIGNING: 2600 Netherland Ave., Ste. 1921, Riverdale, NY 10463

SIGNATURE: Yoram Ofek

DATE: 3/24/00

This is a true copy of the Supplemental Verified Statement (Declaration) Claiming Small Entity Status for Prior Application Number: 09/120,529, and is expressly intended for the Divisional Application submitted herewith; referenced by Attorney Docket Number: SYN 1790

## ASSIGNMENT

Serial No. 09/120,529 Filed July 22, 1998

**In Consideration** of One dollar and other good and valuable considerations, the receipt of which is hereby acknowledged, the entire right, title and interest in the invention or improvements of the undersigned in "A PACKET SWITCHING METHOD WITH TIME BASED ROUTING" and in the application for Letters Patent of the United States therefor, filed July 22, 1998, U.S. Serial No. 09/120,529 and in any continuation, reissue or extension of any Letters Patent that may be granted upon said application are hereby assigned by the undersigned to **Synchrodyne Networks, Inc.**, a corporation formed under the laws of the State of Delaware, and the heirs, successors, legal representatives and assigns of **Synchrodyne Networks, Inc.** (hereinafter collectively called said Assignee), and the Commissioner of Patents and Trademarks is hereby authorized and requested by the undersigned to issue said Letters Patent to said Assignee.

**For said Considerations** it is hereby agreed by the undersigned, upon the request of said Assignee, to execute any necessary and proper oaths or affidavits relating to said application or required for the filing or prosecution of any divisional or continuing application thereof or for the filing or prosecution of any application for the reissue or extension of any Letters Patent that may be granted on said invention or improvements that said Assignee may deem necessary or expedient, and for the said considerations it is further agreed by the undersigned, upon the request of said Assignee, in the event of said application or any division thereof, or Letters Patent issued thereon, or any reissue or application for the reissue thereof, becoming involved in Interference, to cooperate to the best of the ability of the undersigned with said Assignee in the matters of preparing and executing the preliminary statement and giving and producing evidence in support thereof, and further to perform, upon such request, any and all affirmative acts to obtain said Letters Patent and vest all rights therein hereby conveyed in the said Assignee as fully and entirely as the same would have been held and enjoyed by the undersigned if this assignment and sale had not been made. And for the said considerations the entire right, title and interest in said invention or improvements, including all priority rights, and the right to claim priority rights and the privileges and benefits thereof, including those under the International Convention, and all other Conventions, and the right to file applications for patent in said Assignee's own name for said invention or improvements in each and every country of the world are hereby assigned and granted by the undersigned to said Assignee. It is further agreed by the undersigned, upon the request of said Assignee, to execute any and all documents that shall be required of the undersigned to be executed in connection with any and all applications for foreign Letters Patent therefor, including the prosecution thereof, and to execute any and all documents necessary to invest title in said foreign applications and patents in said Assignee. The undersigned also further agrees, for the said considerations, upon the request of said Assignee, to promptly perform all lawful acts deemed by said Assignee to be necessary or advisable in connection with maintaining, enforcing, or transferring the resulting grants of said Letters Patent in the United States or foreign countries. It is agreed that such lawful acts include, but are not limited to, taking oaths, executing declarations, powers, assignments, and other papers and giving testimony. The attorneys of record in said application for patent are hereby authorized and requested by the undersigned to insert in this Assignment the date and serial number thereof in the places provided therefor.

This is a true copy of the Notice of Recordation and Assignment Document for Prior Application Number: 09/120,529, and is expressly intended for the Divisional Application submitted herewith; referenced by Attorney Docket Number: SYN 1790.

**SYNCHRODYNE, INC.**

Yoram Ofek

(Seal)

Dr. Yoram Ofek, President

State of N.Y.  
ss.  
County of Bronx

On March 24, 2000, Dr. Yoram Ofek appeared before me, a Notary Public in and for the State and County aforesaid, and acknowledged that he freely and voluntarily subscribed and executed the foregoing assignment for the purposes and uses therein expressed.

(SEAL)

Edna A. Ivory

Notary Public

My Commission expires

08/30/01

EDNA A. IVORY

Notary Public, State of New York

No. 01V6029932

Qualified in Bronx County

Commission 08/30/01